

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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| In re Application of | : | Adam Twiss |
| | : | |
| For | : | METHOD AND APPARATUS FOR |
| | : | TRAFFIC MANAGEMENT IN |
| | : | PEER-TO-PEER NETWORKS |
| | : | |
| Serial No. | : | 10/544,277 |
| | : | |
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| Art Unit | : | 2456 |
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| Examiner | : | Mai, Kevin S. |
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| Attorney Docket No. | : | ALC 3520 |
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| Confirmation No. | : | 1316 |

APPEAL BRIEF

Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Appellant respectfully submits this revised version of Section V of the Appeal Brief in response to the Notification of Non-Compliant Appeal Brief mailed on September 10, 2010. In compliance with the Notification of Non-Compliant Appeal Brief, this response includes "only the defective section" and lists portions of the Specification "by line and page number."

V. SUMMARY OF CLAIMED SUBJECT MATTER

The subject matter recited in independent claim 75 includes: “a method of reducing traffic [page 1, line 4] in a decentralized peer-to-peer network [page 1, line 6], said peer-to-peer network [page 1, line 6] operating over an underlying [page 1, line 12] network comprising first and second network portions [page 7, line 10], the method comprising: identifying [page 20, line 23], with an Internet Service Provider (ISP) router [Fig. 4c: 414] [page 19, last two lines], whether messages in the first network portion are peer-to-peer messages [page 20, line 7] or other messages; routing [page 18, line 4] all peer-to-peer messages in the first network portion with an intended destination in the second network portion outside [page 20, lines 1-2] of a network of an Internet Service Provider (ISP) to a gateway [Fig. 4c: 408] [page 7, line 16] between peer-to-peer nodes residing on said first and second network portions [page 7, line 10]; and controlling transport of said peer-to-peer messages at said gateway [Fig. 4c: 408] [page 7, line 16] to limit propagation of said peer-to-peer messages into said second network portion, without limiting propagation of the other messages into the second network portion.”

The subject matter recited in independent claim 92 includes: “A computer network message controller that reduces traffic [page 1, line 4] in a decentralized peer-to-peer network [page 1, line 6], said peer-to-peer network [page 1, line 6] operating over a physical network comprising first and second network portions [page 7, line 10], said network message controller comprising: a router [Fig. 4c: 414] [page 19, last two lines] that identifies [page 20, line 23] whether messages in the

first network portion are peer-to-peer messages or other messages and routes [page 18, line 4] all peer-to-peer messages in the first network portion with an intended destination in the second network portion outside [page 20, lines 1-2] of a network of an Internet Service Provider (ISP) to a gateway [Fig. 4c: 408] [page 19, last six lines] between peer-to-peer nodes residing on said first and second network portions [page 7, line 10]; and a gateway controller [page 10, line 11] that controls transport of said peer-to-peer messages into said second network portion, without limiting propagation of the other messages into the second network portion."

The subject matter recited in independent claim 110 includes: "A gateway controller, that reduces traffic [page 1, line 4] in a decentralized peer-to-peer network [page 1, line 6] operating over an underlying [page 1, line 12] network comprising first and second network portions [page 7, line 10], the controller operating at a gateway [Fig. 4c: 408] [page 19, last six lines] between peer-to-peer nodes residing on said first and second network portions [page 7, line 10], the gateway controller [page 10, line 11] comprising: an interface for said first and second network portions [page 7, line 10], that receives all peer-to-peer messages in the first network portion with an intended destination in the second network portion outside [page 20, lines 1-2] of a network of an Internet Service Provider (ISP), wherein a router [Fig. 4c: 414] [page 19, last two lines] identifies whether messages in the first network portion are peer-to-peer messages or other messages; and a controller [page 10, line 11] that limits propagation of the peer-to-peer messages into the second network portion without limiting propagation of the other

messages into the second network portion.”

The subject matter recited in claim 78 includes: “blocking [page 8, line 9] said peer-to-peer messages at said gateway [Fig. 4c: 408] [page 7, line 16].”

The subject matter recited in claim 80 includes: “responding [page 8, line 12] to said peer-to-peer messages from said gateway [Fig. 4c: 408] [page 7, line 16].”

The subject matter recited in claim 81 includes: “sending a response [page 8, line 19] to said queries comprising cached data [page 8, line 21] derived from previous responses to the queries.”

The subject matter recited in claim 83 includes: “modifying a response [page 8, line 19] to a previous file search request such that said response does not indicate that a requested file may be found [page 8, line 20] in said second network portion.”

The subject matter recited in claim 86 includes: “modifying said response [page 8, line 19] to indicate that said requested file is obtainable from a peer-to-peer node located on said third network portion [Fig. 6a: 620] [page 21, line 11].”

The subject matter recited in claim 87 includes: “wherein data transport over said third network portion [Fig. 6a: 620] [page 21, line 11] has a cost less [page 21, line 12] than a cost associated with said second network portion.”

The subject matter recited in claim 95 includes: “wherein said gateway controller [page 10, line 11] blocks [page 8, line 9] the peer-to-peer messages at said gateway [Fig. 4c: 408] [page 7, line 16].”

The subject matter recited in claim 97 includes: “wherein said gateway controller [page 10, line 11] responds [page 8, line 12] to the peer-to-peer messages.”

The subject matter recited in claim 98 includes: "wherein said gateway controller [page 10, line 11] sends a response to said queries including data from said cache [Fig. 6a: 608] [page 21, line 22]."

The subject matter recited in claim 100 includes: "wherein said gateway controller [page 10, line 11] modifies a response to a previous file search request such that said response does not indicate that a requested file may be found in said second network portion."

The subject matter recited in claim 103 includes: "wherein said gateway controller [page 10, line 11] modifies said response to indicate that said requested file is obtainable from a peer-to-peer node located on said third network portion."

The subject matter recited in claim 111 includes: "wherein said controller [page 10, line 11] blocks [page 8, line 9] the peer-to-peer messages at said gateway [Fig. 4c: 408] [page 7, line 16]."

The subject matter recited in claim 113 includes: "wherein said controller [page 10, line 11] responds [page 8, line 12] to the peer-to-peer messages."

The subject matter recited in claim 114 includes: "wherein said controller [page 10, line 11] responds to the queries using data from said query cache [Fig. 6a: 608] [page 21, line 22], wherein the peer-to-peer messages comprise queries."

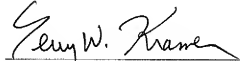
The subject matter recited in claim 117 includes: "said controller [page 10, line 11] modifies a response to a previous file search request such that said response does not indicate that a requested file may be found in said second network portion."

The subject matter recited in claim 120 includes: "wherein said controller [page 10, line 11] modifies said response to indicate that said requested file is obtainable from a peer-to-peer node located on said third network portion [Fig. 6a: 620] [page 21, line 11]."

CONCLUSION

Appellant respectfully submits that the revised section above complies with the Notification of Non-Compliant Appeal Brief.

Respectfully submitted,
KRAMER & AMADO, P.C.

A handwritten signature in dark ink, appearing to read "Terry W. Kramer", is written over a horizontal line.

Terry W. Kramer
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